



COUNTY OF PLACER FISH & GAME COMMISSION

Ed King
Deputy Agricultural Commissioner
County Contact

FISH & GAME COMMISSION MEMBERS

DISTRICT 1 Don Gould	DISTRICT 2 Mark Fowler
DISTRICT 3 Gregg McKenzie	DISTRICT 4 Gary Flanagan
DISTRICT 5 Kari Freidig	DISTRICT 5 Marc Wyatt
DISTRICT 5 Mickey Daniels	

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PLACER COUNTY FISH & GAME COMMISSION MINUTES

TIME/DATE: 6:00 P.M. WEDNESDAY, February 25, 2015

LOCATION: PLACER COUNTY PLANNING COMMISSION HEARING ROOM
Community Development Resource Agency, DeWitt Center, Auburn
3091 County Center Drive (corner of Bell Road and Richardson Drive)

The Placer County Fish & Game Commission is committed to ensuring that persons with disabilities are provided the resources to participate fully in its public meetings. If you are hearing impaired, we have listening devices available. If you require additional disability-related modifications or accommodations, including auxiliary aids or services, please contact the Recording Secretary at (530) 889-7372. If requested, the agenda shall be provided in appropriate alternative formats to persons with disabilities. All requests must be received at least 72 hours prior to the scheduled meeting for which you are requesting accommodation. Requests received after such time will be accommodated only if time permits.

- I. **CALL TO ORDER** – Gregg McKenzie, Chair
- II. **ROLL CALL**
Present: Daniels, Wyatt, McKenzie, Fowler, Flanagan, Freidig
Absent: Gould
- III. **APPROVAL OF AGENDA for February 25, 2015 and APPROVAL OF MINUTES for November 19, 2014**
Agenda: Flanagan/Freidig/MPUV
Minutes: Daniels/Fowler/MPUV, Flanagan abstaining
- IV. **PUBLIC COMMENT**
Individuals may address the Commission on items under the jurisdiction of the Fish & Game Commission not included on this agenda for no longer than five (5) minutes. ***No action can be taken on items addressed under Public Comment***

Marilyn Jasper spoke about the last State Fish & Game Commission Meeting, agenda item 32, addressing the invasive species American bullfrog. Jasper feels that Director Bonham seemed more concerned about cultural sensitivity when

discussing importation regulations than with preserving native ecosystems. Jasper believes all importation should be banned and is seeking support. Flanagan commented on a DFW ban on import and sale proposed several years ago on bullfrogs raised on farms in Asia because of disease vector concerns. Freidig mentioned that Asian communities in Sacramento are holding up that ban. Jasper stated that religious or cultural beliefs should never trump the law.

V. FINANCIAL REPORT – Ed King

Expenditures through January 31, for FY 14/15 total \$6,582.18 including \$840.00 in commissioner's fees, \$814.52 in mileage reimbursement, and \$4,375.00 in grant awards. Budgeted expenditures for the remainder of the fiscal year total \$3787.82.

Revenues through January 31, total \$763.22, including \$431.40 in fines, \$258.68 in penalty assessments and \$73.14 in interest. Fine and penalty assessment revenue for November and December totaled \$266.72 and \$294.41 respectively. \$5,200.00 is budgeted for fine, penalty assessment and interest revenue for the fiscal year.

There's \$11,500 in reserves from general fund contributions which can be drawn from for operating expenses. King submitted the 2015/2016 budget as identical to that of 2014/2015 and will wait until the end of the fiscal year to see what revenues come in to determine if the commission will have a 2015 grant program or not.

Flanagan asked what was being done on the revenue generating issues discussed in previous meetings. Vicki Nissen from the Courts provided King with a database printout for 2014 citations. King is also working with Revenue Services on a similar database query report to show the outstanding balance owed to the commission. King wanted to know what fines are being paid through Revenue Services.

Flanagan also asked whether Supervisor Montgomery had met with the judges about their tendency to reduce base fines. King stated that he does not believe she had done so, but that Jake Chatters did relay our concerns to the judges. King suggested that one of the Commissioners might remind Supervisor Montgomery.

King stated that there had been 23 fine dismissals, but did not know the reason why. Fowler said that sometimes it was decided not to file, and Daniels mentioned that if a warden doesn't show up for the hearing, the charge is automatically dropped. There was also discussion about problems with search and seizures. Flanagan asked King to try to find out the reason why there were so many dismissals. King will email the full spreadsheet with the list of case numbers. Freidig pointed out that some citations dated back to 2012, and that

quite a few dispositions occurred over a year after the original date, which supported King's idea that money was held up in collections.

Flanagan and Freidig thanked King for getting the document, and King acknowledged Nissen's and Chatters' contributions. McKenzie asked King to let the Commission know how to help get the information needed.

VI. AGENCY REPORTS

A. Commission Updates –

Kari Freidig reported that DFW has a smart phone app, CalTIP, to enable users to anonymously report poachers and polluters. Information is on their website.

Freidig reported that six turkey vultures had been discovered in Marin County poisoned by phenobarbital, a euthanasia drug used by vets. Pet owners who have their pets put down will bury them in their backyard, scavengers will dig up the carcasses, and the turkey vultures will eat them. The turkey vultures were saved but had been found comatose from the drug.

Freidig also reports that she attended an Oiled Wildlife Care Network conference at UC Davis. Fund money is being used well; they're researching the toxicity of petroleum, what animals die, egg production, etc. The network has funded 158 research projects and 83 publications.

Flanagan reported that vegetable oil has been found to be affecting Bay Area birds, and wondered if anyone had any idea what caused it. Freidig replied that because it wasn't petroleum, nobody wanted to research it because it wasn't anyone's issue.

B. State Wildlife Conservation Board Subcommittee – Gregg McKenzie

An American River Land Trust large acquisition in the upper American River watershed, which is in Placer County, is on the WCB's next meeting agenda. They're seeking funding in partnership with the SWCB. The Placer Land Trust expects to partner with the county to acquire property for wildlife conservation at the Bear River Preserve area. Other topics include discussions on trails, pigs and longer-term projects. Flanagan asked for more detail on the discussion on wild pigs; McKenzie said he would try to find out.

C. State Fish & Game Commission Subcommittee – Mark Fowler

Fowler reports that the American River Trout Hatchery is open due to cooler weather and is producing rainbow trout.

This year's Nature Bowl will have several Placer County groups participating.

DFW is updating their deer management plan and will randomly select hunters for input. Deer management might be a topic that the Commission could investigate. Wyatt stated that he was sent a questionnaire and described what was asked. Fowler added that it would be nice to get someone from DFW to describe survey results to the Commission.

DFW was also offering 2-day permits for pig hunting on Grizzly Island.

The tri-colored blackbird has been granted endangered species protection on an emergency basis because of a 64% decline since 2008.

Salmon sport fishing rule changes are proposed and will be presented during the March 16 meeting.

The current date for adoption of the lead ammunition phase-out regulatory package is April 9. Flanagan asked what happened to the timeline. Fowler stated that the online dates keep changing.

People can donate via their tax form to the Rare and Endangered Species Preservation Program and the California Sea Otter Fund.

600,000 winter-run Chinook are scheduled to be released, which is an increase due to drought-driven mortality.

DFW is monitoring the band-tailed pigeon in Marin for avian trichomoniasis, which causes lesions in the throat, resulting in suffocation or starvation.

A new California law was recently passed prohibiting GMO salmon and trout being used in commercial food production.

AB 1709 raises the age for a junior hunting license from 16 to 18 years; additionally, the fee is decreased to \$8.25.

Senate Bill 1434 states that F&G can only use the funds acquired from the sale of hunting equipment for hunting-supported projects, under the Pittman-Robinson Act.

DFW clarified confusing language in the waterfowl hunting regs regarding use of unplugged shotguns. Unplugged shotguns are never allowed in California.

They're also seeking input on the management of red abalone fishing, and invite people to take an online survey.

The state is still looking at reservoirs to see about trying to decrease the amount of mercury. There is lots of ongoing activity and many organizations are involved.

Fowler did a ride-along with Lt. Lawson, which ended up being quiet. He also plans to do one with Capt. Jeter. He will ask them about the issues involving fine dismissals.

A San Bernardino County judge ruled in January that DFW's moratorium on suction dredge mining is a de facto ban, in violation of federal mining laws. Michael Garabedian, Friends of the North Fork, states that he feels the lawsuit was handled badly by the Attorney General's office. He feels that DFW is taking the right stand and is hoping they'll resolve it.

D. California Department of Fish & Wildlife - Lt. John Lawson

Lt. Lawson was out looking for an obstruction reported on Bear River. He stated that there was not a lot to report for February because they are in between seasons, but that Folsom Lake has a ton of bass because of unusually warm weather. They're having to write citations to people transporting live bass, which is a violation in California. They believe that people are taking them to Oakland and San Francisco because it's a highly-prized commodity if kept alive.

Lawson reported that the Tahoe bear mauling investigation is complete, and Capt. Jeter has it. There has been a second report of a stubborn bear feeder who has been told to stop but will probably continue. Unfortunately, DFW needs to witness the act before they can issue a citation.

McKenzie mentioned a viral Facebook photo of four mountain lions together taken by an El Dorado resident near his house. Lawson states that his observation is that their population is increasing. DFW policy is for removing a lion only if they become aggressive; they can't move them for just being there. Many people expect action and are not happy with what they're told.

King brought up the list of 2014 citations and asked Lt. Lawson if he knew why so many were dismissed. Lawson said he and Commissioner Fowler had met with the DA in November to discuss improving communication between them. The DA's office was surprised when Lawson showed them the citations. Since the meeting, there have been changes; there is much better communication between them. Lawson states that there will still be some dismissals but is hoping they'll be reduced. Lawson said that the February numbers will be less because it's between seasons. Lawson asserts that he shows up in court to argue against repeat offenders' plea bargaining, and directs his squad to appear in court for their cases, even if they don't testify, to show the DA and the judge that the case is important to them.

Wyatt asked if Lawson knew why there was a delay between the citations to their resolution. Lawson stated that the cause was with the DA's office or the courts, not with DFW; once the DA gets the case in, it's out of their hands. Lawson is happy to hear about the revenue increase and hopes it continues. Lawson found

that there is a box on a court form the court clerk should have been checking, which hadn't been happening, so that was resolved. He had a very positive experience meeting with the DA.

E. Nevada Irrigation District - Sue Sindt

Sue Sindt was not at the meeting, but she emailed a report to Ed King.

Total District storage is at 210, 500 AF – 123% average for this date and 79% of capacity. Precipitation at Bowman is 38.01”; 82% of average. The concern remains to be the lack of snow; we conducted snow surveys yesterday and the water content was 4.7”; 16% of the March 1 average and only a very small percentage of the watershed has any snow on it.

The Governor's drought declaration remains in place and we are still requesting a 20% reduction from our customers. We have received notice from the State that water right curtailment orders may be imposed again this year. The District will endeavor to make a final decision on what portions of the District's Drought Contingency Plan will need to be enacted this season.

McKenzie stated that PG&E's snow survey showed 20% of normal, and further reductions are expected barring heavy precipitation events before summer.

McKenzie commented that the Lake Clementine hydroelectric project is not moving forward at this time because the company apparently didn't factor in some costs. McKenzie also asked King to help him follow up with Sue Sindt about SARSAS and the Bear River project.

NON-ACTION ITEMS

VII. Rail Car Oil Transportation in Placer County - Yvonne Addassi, Deputy Director, Department of Fish & Wildlife, Office of Spill Prevention and Response (OSPR)

Yvonne was unavailable, so her assistant, Alexia Retallack, gave the presentation.

Retallack began with the history of the OSPR from the Lempert-Keene-Seastrand Act in response to major oil spills on Pacific coasts, OPA 90, the federal Oil Pollution Act, and Governor Brown's 2014 passage of SB 861, the expansion of OSPR's oversight in light of increased US and Canada oil production in preparation for possible spill response to overland transport of oil. Their current push is toward an inland response preparation; Retallack reviewed the 2007 McKittrick oil field explosion of 2007, instances of illegal dismantling activities of tank barges, and concern over oil by rail transport in our area.

Retallack stated that their program expansion covers all state surface water, and that the nine Regional Water Quality Control Boards in California cover groundwater. Retallack pointed out that their program also covers land that might be dry during drought years but is usually covered with water, since once the drought ends, any spills not cleaned up become a water pollution issue.

Retallack explained how their office is funded by collection of 6.5¢ per crude barrel collected at the refinery, and through an oil spill response trust, whose funds have been limited because of recent low interest rates. The funding also had been limited to marine incidents until recent legislation. Unfortunately, in response to Freidig's mention of the vegetable oil spill in the Bay Area, by law, their oversight is limited to petroleum oil.

Their job is prevention, preparedness, and response. They oversee regulations, perform drills and exercises, develop contingency planning, explore strategies between inland water bodies and marine, perform outreach, and direct communication and agency coordination. They are committed to response and restoration and will continue after federal agencies cease their work.

Current concerns involve three routes by which petroleum comes into California. There are currently twelve petroleum processing locations in California, either in use or in the permitting stage. Trains currently bring oil through the hub at Roseville, there's a gas products pipeline connecting San Francisco to Reno (operated by Kinder Morgan), which follows the rail and which has been responsible for two spill incidents at Truckee-Donner Pass. Finally, tank trucks bring products in via highways.

The process for their response starts when the report comes in. Notification goes into the OES main line warning center, who alerts dispatch. OSPR assesses and establishes a unified command with applicable agencies and the responsible party (who will have to pay for it). For larger events, they will call for increased resources, which OSPR operations helps to facilitate. OSPR respects fire command structure because they don't respond to fire, but are ready once the fire is past to remediate. Fire isn't seen in marine spills but is very likely to occur on inland spills; a recent West Virginia rail oil spill was bitumen, which has volatiles added to make it flow, increasing potential damage if a fire occurs.

OSPR wishes to work with local government and bring in local response personnel to coordinate with their existing plans to protect and inform the public and to preserve property.

OSPR can also provide grants or \$30,000 worth of response equipment, which includes training. Grantees choose who owns and maintains the equipment. They also offer joint training opportunities for oil spill response techniques. They will also meet with local government emergency service offices to map out expectations of roles, defining them before an incident occurs.

Wyatt asked who handles incidents that don't occur near water. OSPR identifies whether it's covered; it usually is covered due to the Inland Pollution Act. Water is almost always potentially impacted because of travel routes oil takes.

Flanagan asked if staffing has increased. The state hiring process is complicated but they've managed to hire field staff-environmental scientists, oil spill prevention specialists, and additional wardens. They're also hiring additional outreach personnel, such as a fisheries coordinator. Flanagan also asked if OSPR has identified all rail lines coming into the state and if anything is being done to restrict oil imports via lines that might run by waterways or fisheries. Railroads are regulated under the Federal Railroad Administration, so state and local governments have little input. Even requests for advance notice are turned down. California can't stop the oil entering the state; the only thing to do is try to force the railroad companies to follow rules; however, they are strictly under federal regulation. There are very few places where rail lines don't cross water – there are over 7,000 water crossings in California. The state can only try to work with the railroad companies to get the information they want, notify the Federal Railroad Administration about their concerns, and try to be ready for an event when it comes.

Freidig asked about whether there are classes available about inland wildlife rehabilitation. There are, through the Oiled Wildlife Care Network. Local responders are identified and trained by OWCN experts. OSPR works with the local responders to ensure training is maintained. OSPR owns and funds the OWCN, and coordinates with UC Davis Wildlife Healthcare to manage it, since Davis is a world-renowned center for wildlife rehabilitation.

VIII. What is Placer County OES Doing to Prepare for an Oil by Rail Incident within the County? – John McEldowney, Placer County Office of Emergency Services

Placer County's response was first looked at a year ago. Cal OES put together grant money and Placer and Nevada counties were jointly awarded a grant. First responders from Truckee to Roseville are meeting with OSPR and Union Pacific to get familiar with each other and work out training. OES knows that Union Pacific and BNSF are the companies bringing in oil. There are three HAZMAT response teams in Placer County: Truckee, Auburn, and Roseville. In the event of an incident, we're fairly well situated.

Freidig asked what was the difference in challenges between inland vs. marine spills. McEldowney stated that it would be after-effects, and how long we would be dealing with consequences. The biggest challenge for inland spills is fire. Marine spills generally won't ignite, but inland spills have the potential to become fireballs, especially since there's already a fire danger in the area, seasonally and due to drought. OSPR has tons of experience on marine spills but almost none

on inland. They are still learning about spill location access, drinking water contamination, and flow rates for contaminant incursion. McEldowney said that from his perspective, a rural, isolated incident is preferable to one in a populated area because there will be less loss of human life. Retallack said that OSPR can still respond quickly to minimize damage, perhaps by setting up containment downstream.

Fowler hypothesized a rollover happening in Alta, in which a contamination will spread until response teams are able to access the area. OSPR has been performing drills with the Cantara team to get familiar with the area and target potential issues. OSPR can help with restoration, in part by representing those pursuing compensation from railroads for restoration, cost recovery, and economic damage.

Fowler also asked if there is a game plan if Folsom Lake is contaminated. Retallack replied that they hope to be able to stop it before it gets there, because remediation is complicated. Benzene, for example, can't be filtered out but is volatile so will eventually dissipate. McEldowney stated that Raley's had donated a water purification trailer to Placer and four other counties, which can be deployed to supply drinking water to different communities.

Freidig asked if water purification equipment would be something that an OSPR grant would fund. Retallack said that the type of equipment the grants fund is directly for spill containment response. OES is talking with Union Pacific to find out where their response equipment is stored, in order to incorporate the information into their response plan.

Flanagan asked about whether there is grant money available for the Cantara Loop and whether Placer County has identified spots where improvements could be made to minimize damage, and whether grant money is available for that. McEldowney stated that since rail routes are fixed by definition, trouble spots are already known. As far as having the railroads fix the problems, we can ask but as they are under federal jurisdiction, they don't have to do anything as long as they comply with federal law.

Flanagan commented that railroads might feel it's easier to deal with a problem after the fact. He asked if public pressure could be brought to try to force them to establish preventive measures, and wondered if OES had any suggestions on how to apply pressure. McEldowney stated that it would have to be political pressure at the congressional level. Everything is established at the federal level and when something goes wrong it's left to the locals to take care of it.

Flanagan asked again if OES is aware of problems spots, and McEldowney replied that we do, but we can't force railroads to fix the problems. One concern is the railroad yard in Roseville, which is the largest yard west of the Mississippi. Trains travel near where people are all the time in Placer County.

Retallack stated that Lisa Stark, a Union Pacific public affairs rep who lives in Placer County, would be able to present to the Commission about what's being done. Governor Brown has a rails safety task force, but California is one state among many, plus Canada, who want answers. McEldowney can contact Lisa for a future presentation of UP's perspective.

McKenzie thanked Alexia Retallack and John McEldowney for their presentation.

Michael Garabedian asked about an emergency response plan for the Iron Point Trail Head, a known problem area. McEldowney said that they're working on it right now with first responders, but don't have specifics. McEldowney pointed out that it's quite possible that they might decide, if they can't get to it, to let it burn and try to contain it where possible.

Freidig asked if it were even possible to do anything preemptively along the trail head, such as placing materials that would divert or absorb contaminants. McEldowney replied that it was a cost benefit issue. Who would pay for it, and who is willing to perform it? Union Pacific will say they've put a lot of money into technology to prevent mishaps. Analysis might prove that a preventive solution exists, but it's useless if there's no way to pay for it.

IX. Next Meeting Date

March 25, 2015 at 6:00 PM.

X. Adjournment

8:05 PM